KANSAS ACAINST COLORADO.

Supreme Court Hands Down a Decision Regarding Right of Centennial State to Divert Waters of the Arkansas River-Was No Dissenting Opinion.

Washington, April 7 .- The United States supreme court, in an opinion deoverruled the demurrer of the state of olorado in the case of the state of Kansas vs the state of Colorado.

The case involves the right of Colorado to appropriate for purposes of irrigation the waters of the Arkansas iver, which Kansas sought by an original action to restrain on the ground that the stream flows through Kansas and the people of the latter state are injured by such appropriation of the water. Colorado contested the jurisdiction of the court in the case and lled a demurrer.

filed a demurrer.

The chief justice said that the case is one in which the court can properly assume jurisdiction. He said also that the action of the court in overruling the demurrer was intended to be without prejudice, but was taken because the importance of the case was such that it should not be decided without full proof on the questions set up in the allegations of damage made by the state of Kansas. On the point of jurisdiction, the chief justice said:

"Without subjecting the bill to minute criticism, we think its averments sufficient to present the question as to the power of one state of the Union to wholly deprive another of the benefit of water from a river rising in the former

water from a river rising in the former and, by nature, flowing into and through the latter, and that, therefor, this court, speaking broadly, has juris-

Coming to the question of the demur-

"The general rule is that the truth of material and relevant matters set forth with requisite precision, are admitted by demurrer, but in a case of this mag-nitude, involving questions of so grave and far-reaching importance, it does not seem to us wise to apply that rule,

and we must decline to do so."

He then stated the averments of the contention of the states of Kansas and Colorado, concluding as follows:

"Sitting as it were as an international as well as a domestic tribunal, we apply rederal law, state law and international law, as the exigencies of the particular case may demand and we are unwilling in this case to proceed on the mere technical admissions made by demur-

"Nor do we regard it necessary, what-ever imperfections a close analysis of the rending bill may disclose, to com-pel its amendment at this stage of the ttigation. We think the record should proof whether Colorado is herself actually threatening to wholly exaust the flow of the Arkansas river in Kansas, whether what is described in the bill as the 'underflow' is a subter-ranean stream flowing in a known and defined channel and not merely water percelating through the strata below; whether certain persons, firms or cor-porations in Colorado must be madparties thereto; what lands in Kansas are actually situated on the banks of the river and whether either in Colo rado or Kansas are absolutely depen dent on water therefrom; the extent of the watershed or the drainage area of the Arkansas river; the possibilities of the maintenance of a sustained flow through the control of flood waters; in short, the circumstances, a variation in or any part thereof. In view of the in-tricate questions arising on the record we are constrained to forebear proceedngs until all the facts are before us on

There was no dissenting opinion. An opinion was delivered by Justice Brewer in the case of Pine and others against the city of New York and Con-troller Bird S. Coler, involving the right of the city to appropriate all the water of a stream along which the complainants resided. The case was decided against the city by the court of appeals, but today's opinion reversed that finding and remanded the case for further hearing, with instructions to consider the question of damages.



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SITUATION IN PHILIPPINES.

Washington, April 7.-The hearings by the senate committee on the Philippines on the situation in the Philippine archipelago were resumed today, with Maj.-Gen. Arthur MacArthur on the stand, but before he had begun his testimony, Senator Culberson, one of the Democratic members of the committee, took occasion to call attention to the omission of the report of the civil governor of one of the Philippine provinces from the record of Gov. Taft's testimony. This is the report referred to in the correspondence between Gen. Miles and Secy. Root, in which the secretary said:

"The reference in the memorandum of the letter of Gov. Taft to the secreof war, dated Feb. 2, transmitting for the purpose of an inestigation of the military authorities a report by the civil governor of the province of Tayabas, containing in general terms and without specifications or names serious charges against the conduct of the army generally in its relations to the civil government. Senator Culberson quoted this para-graph, saying that Gov. Taft had promised to supply these reports of the civil government to the committee as

they should be received. "I do not care about the controversy between Gen. Miles and the secretary," said Mr. Culberson, "but I submit that the governor of the archipelago ought not to of the transport service, saying that be allowed to violate the rules of the the secretary had in his reply withheld

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manufacturing figs are used, as they are

pleasant to the taste, but the medicinal

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committee. I therefore urge that in accordance with the understanding had with Gov. Taft we should have this report and all others of a similar He ought not to be allowed

to withhold it."

He added that the report in question had been received by Gov. Taft while he was before the committee. It was evident that this report had reflected on the william administration of the Philippines, and he moved that

nmittee be requested to procure and present this re-port. He understood the report had been withheld for the purpose of pro-curing a statement to be presented with it calculated to parry it, but he thought the report should be presented now, and if there was countervailing testimony, it could be received later. He took occasion to object to what he characterized as the effort of the secretary of war to direct and control the proceedings of a committee of the sen-

Senator Lodge replied that he had known nothing of the report that had been withheld until he had read the statement quoted, and he had then learned that it had been referred to Gen. Chaffee in order to secure his comments upon it. Undoubtedly, he comments upon it. Undoubtedly, ne said, the secretary had thought that said, the secretary had thought army officers should not be sent out without an ex-

planation of them.
Senator Allison suggested that Gov.
Taft had been ill since his appearance before the committee, and that he should be written to upon the subject. Senators Rawlins and Patterson in-dorsed the position of Senator Culber-

Mr. Rawlins said that if the investigation was to be more than a mere farce the report should be called for. of war had withheld other informa-tion which had been called for even by the senate, and he instanced the report made by that official on the question of the transport service, saying that

the reports made by government inspectors which were on file in the department. He also stated that he governor of Tayabas had been major

governor of Tayabas had been major in the United States army, and he said the press dispatches indicated that he and other civil officers of the province had been placed under arrest last Friday, "doubtless," he added, "because of the character of the report."

Mr. Carmack expresed the opinion that the secretary of war had "come into possession of information that did not suit his views and is trying to suppress it until he can cook up somesuppress it until he can cook up some-thing to break the force of it."

Senator Culberson changed his reso-lution so as to call directly upon the secretary of war for the report, with a request to forward any information he may have from Gen. Chaffee, and in this form the resolution was adopted. Gen. MacArthur then began his statement, which he said would be a review of his observations in the is-lands and opinions he had formed, He said that after a complete study of the situation he had concluded that permanent American occupation of the islands was advisable. The general had not concluded his statement when the committee adjourned until 10:30 tomorrow.

Bank for Salvador.

New York, April 8.—There is a project afoot in Salvador, according to dispatches just received, cables the Pana-ma correspondent of the Herald, for the establishment of a bank which shall make a specialty of mortgages with a lew to facilitating the development of farming interests in that country.

The congress of Salvador has resumed s sessions and the delegates to the Pan-American congress have returned from Mexico. Exchange rates are going

Health of Philippine Troops.

Washington, April 7 .- The surgeongeneral of the army has received a report from Maj. Kennedy, chief surgeon, in regard to the health of the troops in the Philippines during the month ended Feb. 15. There were 2,861 cases of sickness, a percentage of 6.39 to the entire command, a slight increase over the previous month, due partly to measles on the transport Sheridan.

Maj. Kennedy says that malarial fever is on the increase among the troops, but this is more than compensated for in the decided falling off of cases of gastric and intestinal diseases

The bubonic plague has not yet appeared among the troops and there was only one case—that of a native—in the entire archipelago during the month.

Accused of Killing Boer Children. Liverpool, April 7 .- A former trooper of the Bushveldt carabineers, who has

returned here, is quoted as saying that the convicted Australian officers be-longing to that corps, since disbanded, murdered from 35 to 40 persons. As an instance of their cold-bloodedness, trooper relates how three Dutch children, 2 and 12 years of age, respectively, and their little sister arrived at the carabineers' camp to surrender, in order to be given food. The girl and one of the boys were wounded. The uninjured boy took his little brother on his back and was carrying him off when a second shot killed both boys. In markets of the world. Individual tastes would doubtless make many ad-

No More for Agrarians.

Berlin, April 7 .- Count Posadowsky-Wehner, the imperial secretary of state for the interior, returned to Berlin tonight from a tour of the prin-cipal courts of the empire. The purpose of the trip was to gather the views of the various state governments on the tariff question,
It appears that without exception these governments support the posi-tion of the imperial government against yielding further to the Agrar-ian demands for higher duties on grain. The ministry at the reassembling of the tariff committee tomorrow will consequently be in a position to enforce its will against the majority in favor of higher grain duties. It is believed the Agrarians will have

to accept the government's view or otherwise the tariff bill will be lost. Thirty Boers Killed.

London, April 7 .- Lord Kitchener rerorts that the Boer casualties during the engagement of March 31 and April I were at the lowest estimate 30 mer killed and 80 wounded, Commandant Erasmus was killed near Boshof, Orange River colony, April 3. A dispatch from Lord Klichener, dat-

ed Pretoria, says Commandant Krit-singer, who was captured by Gen. French at Hanover road, Cape Colony, Dec. 17 last, and who has been tried by court-martial on the charge of having committed four murders, in addi tion to the train-wrecking and cruelty to prisoners, has been acquitted, and is being well treated as an ordinary prisoner of war.

THE SENATE Headache is often a warning that the liver is torpid or inactive. More serious troubles may follow. For a prompt, efficient cure of Headache and all liver troubles, take BILLS BLOCKED.

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While they rouse the liver, restore full, regular action of the bowels, they do not gripe or pain, do not irritate or inflame the internal organs, but have a positive tonic effect. 25c, at all druggists or by mail of C. I. Hood & Co., Lowell, Mass.

PRESIDENT IN VIRCINIA

Roosevelt's journey through Virginia, n route to Charleston exhibition, has His first remarks were addressed to a small crowd at Rappahannock, where after bowing his acknowledgements, said to the little gathering: "I am now upon historic ground."

out in force, the driving rain not seeming to dampen their spirits in the least. In the crowd were a number of his regiment, who was a University of Virginia man, caused the students to set up a deafening college yell. The president bowed his acknowledgements and made the following brief speech:

"I had two of your university graduates in my regiment. One, John Greenway, used to be on your football eleven. I want to say how glad I am to see you and what an interesting thing it must be to every American to come through this historic land. As we passed by the vista in the woods we saw the home of the Madisons. I see before me men who were in the Spanish war. ere in the Spanish war.

"We are on the land fought over by hose who wore the blue and gray, and hose men and their descendants are now standing shoulder to shoulder as ood citizens, interested in all that con-erns the welfare of our common nation. It is a great pleasure to catch this glimpse of you, and I thank you for your kind reception.

He was again loudly cheered as the train pulled out.

TO UTAH ORCHARDISTS. List of Best Fruits for Home and Mar-

ket-Best Potatoes. In answer to a request for a list of

the best varieties of fruits for home and market growing, the following is submitted to the "News" by Prof. J. A. Wright, of the Agricultural college, as the best varieties suited to the average climate of Utah:

It will be understood, says Mr. Wright, that different localities of the state have vastly different climatic conditions, so that in order to make compelled to eliminate some of the are compened to eliminate some of the choicer varieties in each class which are known to do especially well in certain localities. Upon the average, you will find the following list as suitable as any for this state. The varieties marked with a star are recommended for planting in large numbers for commercial or market purposes. Owing to the comparatively limited home market, it is not deemed advisable that great numbers of the family fruits should be planted. As a basis it may be well to say that of the family fruits should be planted. fruits, each farmer should plant half a dozen trees of each variety and if he is near a large market let him add to this number in proportion to what the home market is liable to develop into. "The list I would suggest is as fol-

Apples—Ben Davis, Jonathan, *Winesap, *Gano, *Wallbridge, *Wolf River, *York Imperial, Yellow Transparent, Red Astrachan, Wealthy, Pear-maine, Rhode Island Greening. Pears—*Bartlett, *Anjou, *Howell, Pears-*Bartlett, *Anjou, *Howell, *Sheldon, *Barry, *Winter Nells, Seck-

el and *Easter. Cherries-English Morello, May Duke, *Late Duke, Montmorency, Hortense, *Windsor, *Black Republican, Black Tartarian, "Napole

Peaches—Hale, Foster, *Crawford (late), *Elberta, *Cooper, *Mulr, *Utah Orange, Orange Cling, Heath Cling, Raspberries—Cuthbert, Gregg, Lou-

Strawberries-Jesse, Jocunda, Haver-land, Cumberland, Currants-Fay's Prolific

POTATOES.

As many may be tempted to try new and untried potatoes, will add that the following kinds are successfully grown in Utah, and the farmer planting them will make no mistake: Bovee (early), Early Rose, Peerless, White Elephant, Rural New Yorker No. 2, Carmen No. 3, It is not pretended that the above

list includes absolutely the best, but you may safely advise your readers that all of these have been tried in Utab; are of fine quality and are known ditions to the above without any inhowever, to the collection of fruits and vegetables,

> irritable individual. If impatience or fault-finding are ever excusable it is when the body is tortured by an eating and painful sore.

months of diligent and faithful use of external remedies that the place remains as defiant, angry and offensive as ever. Every chronic sore, no matter on what part of the body it comes, is an evidence of some previous constitutional or organic trouble, and that the dregs of these diseases remain in the system; or, it may be that some long hidden poison-perhaps Cancer-has come to the surface and begun its destructive work. The blood must be purified before the sore will fill up with healthy flesh

fluids are carried to the sore or ulcer and keep it fluids are carried to the sole of the first and inflamed. S. S. S. will purify and irritated and inflamed. S. S. S. will purify and invigorate the stagnant blood when all sediment or other hurtful materials are washed out, fresh rich blood is carried to the diseased parts, new tissues form, and the decaying flesh begins to have a healthy and natural look; the discharge ceases and the sore heals. S. S. S. is the only blood purifier

Several years ago, my wife had a severe sore leg and was treated by the best physicians but received no benefit. Our druggist advised her to try S. S. S., which she did. Fourteen bottles cured her and she has been well ever since, J. R. MAROLD, 22 Canal St., Cohoes, N. Y.

the advice of experienced and

skilled physicians for which no charge is made. Book on Blood and Skin THE SWIFT SPECIFIC CO., Atlanta, Ga. Diseases free.

Pet Measures Held Up When They Reach the House.

UPPER MEMBERS ARE RILED

Pension Days in the House Are Busy Events, When the Wheels of Legislation Move Briskly.

Special Correspondence.

Washington, April 4.-The same com plaint is heard these days that occurs in nearly every session of congress. The senators feel that they are not being treated right because the bills which they put through the senate so rapidly receive no consideration in the Of course it is well understood that is much easier to pass a bill in the ser ate than in the house, especially if it is what is called a local bill, a claim bill or a bill for a public building. It is the bitterly disputed measures that get eld up in the senate. In the house as an cannot rise at any time and get bill passed. He has a great deal to to "fix things." In the senate unido to "fix things." In the senate uni-form courtesy allows a man to pass a bill in which he is personally interest-ed. So it happens that the senate has passed many bills which do not re-ceive any consideration in the lower branch of congress. And the senators who have bill which they are very anxious to have become laws are now complaining.

PENSION LEGISLATION.

Pension days in the house mean the passage of many bills. Anywhere from 150 up to 250 are passed in the days given to this legislation. These are bills to pension persons who cannot get pensions under the general laws and whose claims have been rejected at the pension office. Often they are for increases over and above the amounts which were allowed under the pension laws. Always a good reason is assigned for granting the pension by legislation Sometimes it is because the soldier cannot obtain the necessary evidence and scmetimes because he was not regulari enlisted or his papers have been lost. I spite of the fact that the civil war 37 years behind us, there are more these pension bills than ever before and more are passed than ever before The same liberal spirit in regard to pension legislation prevails in the sen ate, and nearly all the pension bills are passed.

REPAIRING FURNITURE,

There has been for a few years a sort of craze about the capitol for ma-hogany furniture for the committee rooms. The old wainut and fine oak furniture gave way to the more elegant looking mahogany, but the latter has not been durable. Much of the furniture has been carted away to repai shops and returned. The wear and tea has not been so hard either, but the furniture does not seem to last in the committee rooms, where it has been constantly used. There is a desire in some quarters for a return to the less elegant but more substantial. elegant but more substantial furniture which was in vogue a few years ago. "UNCLE JASPER" TALBERT.

It is well understood that this is the last Congress in which we shall have Jasper Talbert of South Carolina "in our midst." It is expected that "Uncle state, and he has already had to accept some good natured badinage on the subject. "Uncle Jasper" is the man who has fought pension legislation. He compelled the house to abandon the night sessions and devote two Fridays of each month to the bills, so there "Uncle Jasper" is now sustaining Prest. Roosevelt's vetoes of deser tion bills, and he denounces a deserter whenever a bill of that character appears. In one of his recent fights Van diyer of Missouri got into a colloque with him. "Is the gentleman a law yer?" demanded the Missouri repre sentative. "I am neither a lawyer nor a son of a lawyer," retorted Talbert. "I am an honest man." And then that house, composed almost wholly of lawvers, shouted and cheered.

BELIEVES IN THE PEOPLE.

An enthusiastic and earnest worker s Senator Beveridge of Indiana, The Philippine legislation has given him a great opportunity to display his energetic character, and he has been engaged a great part of the session on two bills, one for tariff and the other for a civil government for the islands. He is very frank and outspoken on all subjects. "The days of demagogy have passed," he says. "The people understand these questions. They read and discuss and know what is going on. Rural free delivery is doing it, the daily papers are doing it, and a greater education on all subjects is making the people equal in understanding public affairs. There is no more fear of talk-ing over the heads of an audience of farmers, for they are as intelligent as any other class. I am not working for political effect. I do what in think is for the best interests of the country and will consider party afterwards. It is a mistake to think that we can fool the people with shams. So I frankly say what I am for and do not try to conceal it." Then the senator went on to say that the Philippines were a par of the United States for all time; that the trusts were a result of conditions and were here to stay; that the ship subsidy bill was a good thing, as it was the only way to build up our merchant marine; that he was in favor of the Cuban reciprocity, and, further, he was prepared to defend his position on all these subjects.

Will sour the sweetest disposition and transform the most even tempered, lovable nature into a cross-grained and

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and the skin regains its natural color. It is through the circulation that the acrid, corroding

that is guaranteed entirely vegetable. It builds up the blood and tones up the general system as no other medicine does. If you have a sore of anykind, write us and get Gravel, Kidney Disease and Rheumatism.

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house in Canastota, N. Y., also promi nent in G. A. R. circles, having been Post Commander for several years of

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"About three years ago a friend of mine told me he had suffered with Rheumatism and had been completely cured by using Dr. David Kennedy's if a woman, from the sicknesses peculiar for a woman Favorite Remedy, and advised that I get a bottle. I did so, buying a bottle at Jones' drug store, and found that it helped me so that I continued its use, and now I am happy to say I am entirely cured of that dread trouble, and if at any time I feel a slight twinge I simply take a little Favorite Remedy, and it disappears at once."

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ley Manufacturing Co.'s Works, Lock-port, N.Y., says: "I have used Dr. David 'Kennedy's Favorite Remedy with ood results. I was troubled with gravel and kidney complaints quite severel which bothered me a great deal, and I have found a great relief from its use. and can cheerfully recommend it."

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